IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13361 of 2005

Between:

Malepati Bhaktavachhalam, S/o Nadamuni Naidu, 50 years,
R/o Chedullapakam Village, Varadaiah Palem Mandal, Chittoor District.

...PETITIONER

AND

1. The District Collector, Chittoor District, Chittoor.
2. The Revenue Divisional Officer, Tirupathi, Chittoor District.
3. The Mandal Revenue Officer, Varadaiah Palem Mandal, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in making attempts to dispossess the petitioner from the lands covered by D.K.T.Patta No. 52/4/1395 to an extent of Ac. 4.95 cents (Dry) in Sy.No.329.2 situated at Chedullapakam Village, Varadaiah Palem Mandal, Chittoor District as illegal, arbitrary, against the principles of natural justice and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents not to interfere in the possession and enjoyment of the said lands.

Counsel for the Petitioner: MR.A.V.V.S.N.MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13361 of 2005

ORDER:

This Writ Petition is filed by the petitioner seeking declaration of the action of the respondents in making attempts to dispossess the petitioner from the lands covered by D.K.t.Patta No.52/4/1395 to an extent of Acs.4.95 cents (Dry) in Survey No.329.2 situated at Chedullapakam Village, Varadaiah Palem Mandal, Chittoor District, as illegal and arbitrary.

The grievance of the petitioner is that he was allotted dry land to an extent of Acs.4.95 cents situated in the above mentioned premises by the then Mandal Revenue Officer, after verification and satisfaction that he is a landless poor person. As on the date of granting patta, the land assigned to him was unfit for cultivation and he brought the said land into cultivation by his hard work. Now, the respondents are threatening him to dispossess from his peaceful enjoyment of the above said land. Therefore, the petitioner is constrained to file the present Writ Petition.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition at the admission stage.

The Writ Petition is disposed of with a direction to the respondents not to dispossess the petitioner without following due process of law. No costs.

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(ELIPE DHARMA RAO, J)

23rd June 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Collector, Chittoor District, Chittoor.
2. The Revenue Divisional Officer, Tirupathi, Chittoor District.
3. The Mandal Revenue Officer, Varadaiah Palem Mandal, Chittoor District.
4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.